

IN RE: PETITION FOR VARIANCE
NW/4 York Road, 183.75' SW
of the c/l of Church Lane
(10010 York Road)
8th Election District
3rd Councilmanic District
Chris Theodoropoulos, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-3-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Chris Theodoropoulos and Konstantina Theodoropoulos, his wife. The Petitioners request relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sideline setback of 7 feet in lieu of the required 30 feet for a proposed storage shed, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Chris Theodoropoulos, property owner. Mr. Theodoropoulos was represented by Samuel F. Kenney, Esquire. There were no Protestants present.

Testimony indicated that the subject property, known as 10010 York Road, consists of approximately 1.2 acres of land, zoned B.R.-I.M. The property is L-shaped and has frontage on both York Road and Church Lane. On the Church Lane side, the property is improved with a 7-11 convenience store (7-11) and a parking lot which services same. On the York Road side, the property is improved with a 3,056 sq.ft. restaurant, known as the York Inn. The Petitioners propose to construct a 24.5' x 7.3' storage shed on the north side of the restaurant building to provide needed storage space. Testimony indicated that due to the irregular shape of the property and the location of existing improvements thereon, the relief requested is

necessary. The Petitioner noted that construction of the storage shed on any other side of the building would be impractical due to the existence of parking areas which surround the subject structure. Both the east and west sides of the subject site contain paved parking areas which are connected by an existing driveway which runs along the south side of the property. Thus, only the north side is feasible for placement of the proposed storage shed in order to avoid interference with parking on the site.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In view of the site constraints noted above, I am persuaded to grant the relief requested. It is clear from the testimony that the variance for the storage shed, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. Moreover, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that

- 2 -

special circumstances or conditions exist that are peculiar to the land or structure located thereon that justifies the variance request. Strict adherence to the subject regulation would unduly restrict the use of the land due to the special conditions unique to this particular parcel. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Notwithstanding my approval of the subject variance, reference is made to a Zoning Plans Advisory Committee comment submitted by the Development Plan Review division of the Department of Public Works. That comment notes that the subject property is not in compliance with a landscape plan which was approved in connection with development of this site on May 5, 1988. Therefore, the relief requested shall be granted contingent upon Petitioners bringing the property into compliance with the said approved landscape plan to the extent possible. The Petitioners testified they are willing to landscape the property in accordance with said plan, however, noted that landscaping may not be possible at the present time, due to the hot and dry summer weather conditions. Thus, the Petitioners shall consult with the County's Landscape Architect as to the nature and timing of the additional plantings required. Further, a comment was received from the Office of Planning and Zoning requesting that the exterior of the proposed storage shed be similar in appearance to the existing building. This comment shall be incorporated herein as a restriction.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of August, 1993 that the Petition for Variance

- 3 -

requesting relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side line setback of 7 feet in lieu of the required 30 feet for a proposed storage shed in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall landscape the property in accordance with the landscape plan approved on May 5, 1988. The Petitioners shall consult with the Landscape Architect for Baltimore County to determine the nature and timing of the required plantings. The issuance of any permits shall be conditioned upon the Petitioners landscaping the property in accordance with the schedule and detail to be issued by the County Landscape Architect.
- 3) The proposed storage shed shall be treated with the same material as the existing stucco building due to its visibility to York Road.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 18, 1993

Samuel F. Kenney, Esquire
31 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NW/4 York Road, 183.75' SW of the c/l of Church Lane
(10010 York Road)
8th Election District - 3rd Councilmanic District
Chris Theodoropoulos, et ux - Petitioners
Case No. 94-3-A

Dear Mr. Kenney:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10010 YORK RD
which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) _____

Section 238.2 to permit a sideline setback of 7' in lieu of the required 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

We are in need of additional storage space for supplies. Strict compliance with the required side setback will result in practical difficulties and unreasonable hardships for us.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Leasee:

Type or Print Name

Signature

Address

City State Zip Code

Attorney for Petitioner:

Samuel F. Kenney, Esq.

Signature

31 Allegheny Ave. (410) 823-5500

TOWSON, Maryland 21204

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

CHRIS THEODOROPULOS

Chris Theodoropoulos

KONSTANTINA THEODOROPULOS

Konstantina Theodoropoulos

10835 SANDRINGHAM RD

COCKEYSVILLE MD 21036

Address

Samuel F. Kenney, Esq.

31 Allegheny Ave. (410) 823-5500

Towson, MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

On the following date: _____

ALL OTHER: _____

RECEIVED BY: R.T. DATE: 7-1-93

ITEM #2

10010 YORK ROAD - ZONING DESCRIPTION

BEGINNING FOR THE SAME at a point on the southwest side of York Road, (66 feet wide) at the distance of 183.75 feet northwesterly, measured along said southwest side of York Road from the center line of Texas Church Lane as shown on Baltimore County Bureau of Land Acquisition Plat NW 65-165-1, said point of beginning being the northeast corner of the parcel of land conveyed to Arline Corporation as recorded among the Land Records of Baltimore County in Liber R.R.C. No. 4415, folio 479; and running thence binding on the southwest side of York Road, (1) North 18 degrees, 39 minutes, 40 seconds west 100.00 feet to the northwest property line of the parcel of land which by a deed dated May 12, 1960 and recorded aforesaid in Liber W.J.R. No. 3700, folio 109 was conveyed by John F. Roberts, et al. to John J. Geramko and wife; thence binding on a part of said northwest property line, (2) South 82 degrees, 49 minutes, 30 seconds west 193.07 feet; thence for a line of division made parallel to and 189.20 feet southwesterly, measured at a right angle from said southwest side of York Road, (3) South 18 degrees, 39 minutes, 40 seconds east 35.00 feet; thence still for lines of division, (4) south 71 degrees, 30 minutes, 20 seconds west 120.00 feet, and parallel to York Road (5) South 18 degrees, 39 minutes, 40 seconds east 148.53 feet to intersect the north side of Texas Lane; thence binding thereon, (6) South 83 degrees, 04 minutes, 35 seconds east 210.65 feet to the southwest corner of the aforesaid conveyance to Arline Corporation; thence with the outline of said property, (7) North 18 degrees, 39 minutes, 40 seconds west 136.03 feet and (8) North 71 degrees, 20 minutes, 20 seconds east 119.20 feet to the place of beginning.

Containing 1.2 acres of land more or less.
The improvements thereon being known as No. 10010 York Road.

BEING and intending to be all that property which by deed dated October 12, 1974 and recorded among the Land Records of Baltimore County in Liber E.H.R.Jr. No. 5488, folio 126, was conveyed by John J. Geramko and wife, to John J. Geramko.

SAVING AND EXCEPTING THEREFROM all that property described in a Deed dated February 7, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.R.Jr. No. 5509, folio 498, from John J. Geramko, et al. to the State of Maryland to the Use of the State Highway Administration of the Department of Transportation.

BEING the same property which by Deed dated December 23, 1986, and recorded among the Land Records of Baltimore County in Liber S.M. No. 7370, folio 561, was granted and conveyed by John J. Geramko to John Koutrakos and Barbara Koutrakos, his wife, as to undivided one-half interest, and to Chris Theodoropoulos and Konstantina Theodoropoulos, his wife, as to the remaining undivided one-half interest.

ITEM #2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: PH Date of Posting: 7/18/93
Posted for: Variance
Petitioner: Chris + Konstantina Theodoropoulos
Location of property: 10010 York Rd - NW 1/4, 183.75' c/l of Church Lane
Location of Sign: Along RR. Hwy. on property of Baltimore
Remarks: _____
Posted by: Signers Date of return: 7/19/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/15, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/15, 1993.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON
TOWSON

74-3-A



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6190

Number
ITEM # 2
R.T.

Date 7-1-93
CHRIS THEODOROPULOS
#10010 YORK RD, COCKEYVILLE, MD, 21030
020 - VARIANCE - \$ 250.00
080 - SIGN - \$ 25.00
TOTAL - \$ 275.00

01A01W0169MCHRC

BA E012+22PM07-01-93

\$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 9, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-3-A (Item 2)
10010 York Road - York Inn
145/5 York Road, 183.75' SW from c/l Church Lane
8th Election District - 3rd Councilmanic
Petitioner(s): Chris and Konstantina Theodoropoulos
HEARING: TUESDAY, AUGUST 3, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a side line setback of 7 feet in lieu of the required 30 feet.

Arnold Jablon

Arnold Jablon
Director

cc: Chris and Konstantina Theodoropoulos/10835 Sandringham Road/Cockeysville MD 21030
Samuel F. Kenney, Esq./31 Allegheny Avenue/Towson MD 21204

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: POTTERY PUBLISHING COMPANY
July 15, 1993 Issue - Jeffersonian

Please forward billing to:

Chris and Konstantina Theodoropoulos
10835 Sandringham Road
Cockeysville, Maryland 21030
410-667-4428

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LAMARCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 28, 1993

Samuel F. Kenney, Esquire
31 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-3-A, Item No. 2
Petitioner: Chris Theodoropoulos, et ux
Petition for Variance

Dear Mr. and Mrs. Theodoropoulos:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 1, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

7-7-95

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTO. CO.
Item No.: + 2 (RT)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7886 Baltimore Metro - 888-6461 D.C. Metro - 1-800-495-3683 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21205-5717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: July 19, 1993

SUBJECT: 10010 York Road

INFORMATION:

Item Number: 2
Petitioner: Theodoropoulos Property
Property Size: _____
Zoning: B.R.-I.M.
Requested Action: _____
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's request subject to the following conditions:

- Site must be brought into compliance with current Landscape Manual, including shrub screening of parking lot and the placement of deciduous trees along York Road. Trees may be set back from road along the side yard and in the parking island so the existing sign is not obstructed.
- Because of its visibility to York Road, the proposed storage shed should be treated with the same material as the existing building (stucco).

Prepared by: *Jeffrey W. Hays*

Division Chief: *Pat Keller*

PK/JL:lw

ZAC.2/ZAC1

Pg. 1

RECEIVED

JUL 12 1993

ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 9, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 19, 1993 Meeting

#473 - No comments
#474 - No comments
#475 - No comments
#476 - No comments
#477 - Building shall be built in compliance with the 1991 Life Safety Code.
#1 - No comments
#2 - No comments
#3 - No comments
#4 - No comments
#5 - No comments
#6 - A fire hydrant is required at the entrance to the site.
- Building shall be built in compliance with the 1991 Life Safety Code.
#7 - No comments

JLP/dal

cc: File

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/S York Rd., 183.75' SW from
C/L Church Lane (10010 York Rd.- : OF BALTIMORE COUNTY
York Inn), 8th Election District
3rd Councilmanic District : Case No. 94-3-A
CHRIS AND KONSTANTINA :
THEODOROPoulos, Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 22nd day of July, 1993,
a copy of the foregoing Entry of Appearance was mailed to Samuel F. Kenney,
Esquire, 31 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners.

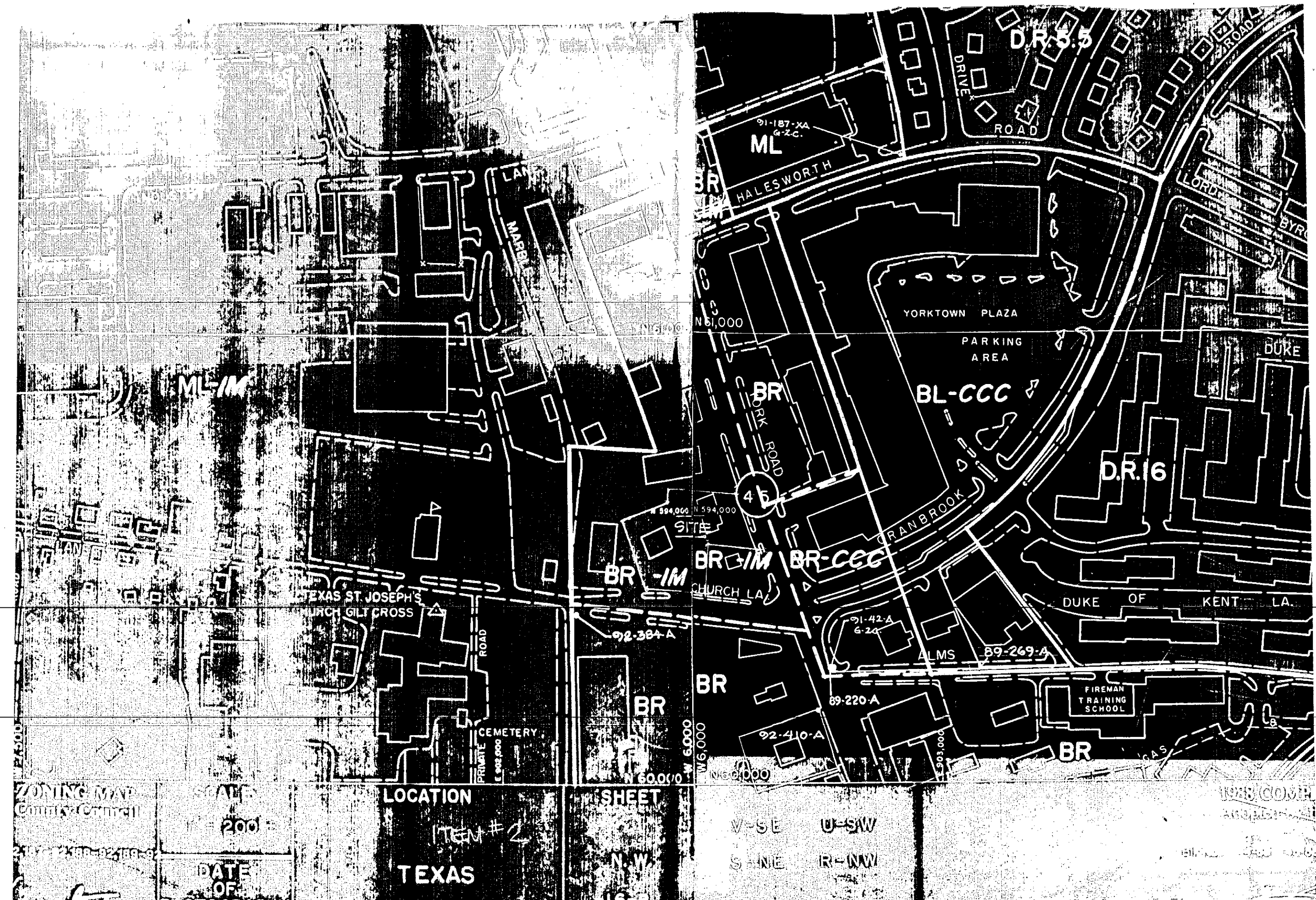
Peter Max Zimmerman
Peter Max Zimmerman

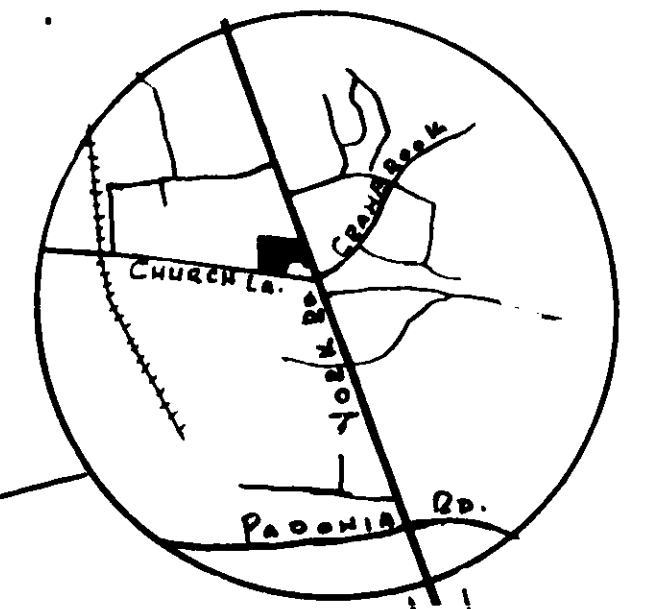
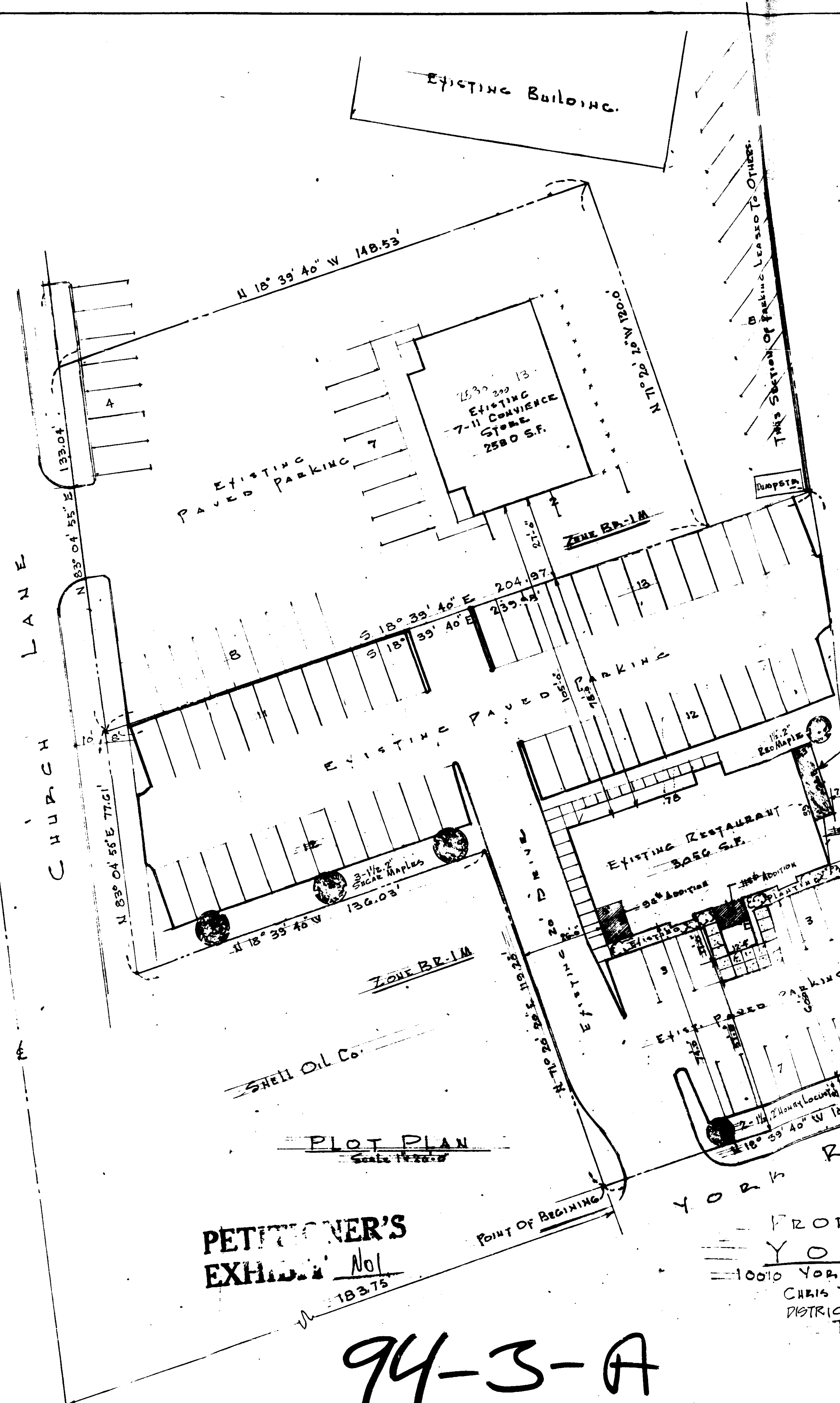
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Chris Theodoropoulos 10835 SANDRINGHAM
ROCKYVILLE MD PR
By: 31 Allegheny Ave
Towson MD 21204

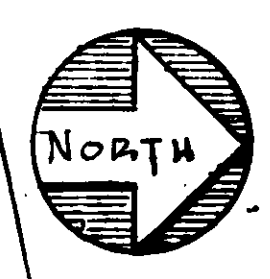
Printed with Soybean Ink
on Recycled Paper





VICINITY MAP

BEDDING BARN



PARKING REQUIREMENTS

York Inn Restaurant	3056 S.F. / 50 = 61.12 Spaces
Proposed Addition	30 S.F. / 50 = 1.52 Spaces
Parking Spaces Required	62.64 = (64)
7-11 Convenience Store	2580 S.F. / 200 = 12.9
TOTAL SPACES REQUIRED	75.54
TOTAL SPACES PROVIDED	82
EXISTING ZONING	BR-1M

LANDSCAPE CERTIFICATION
 I CERTIFY THAT THE PLANTING PLAN SHOWN HEREIN IS
 CONSISTENT WITH APPLICABLE POLICY, GUIDELINES AND
 ORDINANCES, AND THAT ALL PLANT MATERIAL TO BE
 FURNISHED WILL BE NURSERY GROWN IN ACCORDANCE
 WITH THE SPECIFICATIONS STATED IN THE BALTIMORE
 COUNTY LANDSCAPE MANUAL, 1984 DATED MAY 1, 1984.

Chris Theodoropoulos MAY 3, 1988
 CHRIS THEODOPOULOS
 10010 York Rd. Cockeysville, MD 21030
 PERMIT #10419 C-559-BB



PROPOSED ADDITION TO
YORK INN.
 10010 York Rd. Cockeysville, Balto. Co. MD 21030
 CHRIS THEODOPOULOS - OWNER
 DISTRICT 803 ZONING MAP NW 1GA 4B
 Tax No. 08-07-016490.

PETITIONER'S
 EXHIBIT No. 1
 10375

94-3-A

ITEM #2
 DRAWING A-1 of 3
 DATE 3-16-88
 LAY OUT 3-16-88 5-25-93
 C-24-93